IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH.

CWP No.9383 of 2007 (O&M)
Date of decision: 12.7.2007

Harpinder Saini and another.

-----Petitioners

Vs.

Chandigarh Administation and another.

-----Respondents

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL
HON'BLE MR JUSTICE AJAI LAMBA

Present: Ms. Sangeeta Dhanda, Advocate
for the petitioners.

Mr. Anupam Gupta, Advocate
for respondents.

Adarsh Kumar Goel, J.

This petition challenges the stipulation in the admission brochure issued by respondent No.3, Chairman, Joint Admission Committee, Punjab Engineering College (Deemed University), Sector 12, Chandigarh, that there will be no Chandigarh quota in three of the five colleges located in Chandigarh.

Case of the petitioners is that they appeared in All India Engineering Entrance Examination held on April 29, 2007. They have qualified 10 + 2 examination from the schools located in Union Territory of Chandigarh on 25.5.2007. The petitioners qualified in the All India Engineering Entrance Examination and were given All India ranking as well as State ranking. From the brochure, they found that students

qualifying 10+2 from the schools/colleges located in Union Territory, Chandigarh are eligible under the 'Chandigarh quota' only for two colleges i.e. Punjab Engineering College, Sector 12, Chandigarh and Chandigarh College of Engineering and Technology, Panjab University, Chandigarh, though there are three more colleges affiliated to Panjab University, Chandigarh i.e. University Institute of Engineering and Technology, Department of Chemical Engineering and Technology and Swami Sarvanand Giri Panjab University Regional Centre, Bajwara, Hoshiarpur. It has been submitted that there was no reason to adopt different criteria for different colleges in Chandigarh.

In the reply filed, stand taken is that three colleges where no 'quota' for Chandigarh students has been prescribed are part of Panjab University while two colleges where quota is available are autonomous and not part of Panjab University though for purposes of admission, there is common admission. There is no legal requirement for any local quota. Reservation for local students though permissible, reservation is not mandatory.

We have heard learned counsel for the parties.

It remains undisputed that three colleges where quota for local candidates is not provided and two institutions in which quota is provided are not part of the same management. The two institutions where quota has been provided are autonomous and have their own policies. Three institutions in which quota is not provided, are part of Panjab University and governed by a separate policy. Policy of one institution is not necessarily binding on the other.

Learned counsel for the petitioners has not been able to dispute that provision for reservation, though permissible as a matter of policy, cannot be enforced in absence thereof. We may refer to observations of the Hon'ble Supreme Court in ***N.T.R. University of Health Sciences, Vijayawada v. G. Babu Rajendra Prasad*** AIR 2003 SC 1947.

> "13. Articles 15 and 16 of the Constitution of India provide for enabling provisions. By reason thereof the State would be entitled to either adopt a policy decision or make laws providing for reservations. How and in what manner the reservations should be made is a matter of policy decision of the State. Such a policy decision normally would not be open to challenge subject to its passing the test of reasonableness....."

In view of above, no ground is made out for giving any direction sought for in the petition.

The petition is dismissed.

(ADARSH KUMAR GOEL)
JUDGE

July 12, 2007 **(AJAI LAMBA)**
ashwani **JUDGE**